

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

In the Matter of)	
)	
Numbering Resource Optimization)	CC Docket No. 99-200
)	
Petition of the Nebraska Public Service)	
Commission for expedited decision for)	
authority to implement number conservation)	
measures		

COMMENTS OF COX COMMUNICATIONS, INC.

Cox Communications, Inc. (“Cox”), by its attorneys, submits these comments in response to the November 30, 2004 *Notice* in the above proceeding.¹ The *Notice* seeks comment on the Nebraska Public Service Commission’s (“NPSC”) November 23, 2004 petition (“Petition”) seeking authority to implement numbering resource optimization measures, specifically, mandatory thousands-block pooling in all LNP-capable rate centers in the 402 area code.² For the reasons described below, Cox supports the Petition and asks the Commission to grant the NPSC the authority to mandate thousands-block number pooling throughout the 402 area code.

¹ Public Notice, “Wireline Competition Bureau Seeks Comment on the Petitions of West Virginia Public Service Commission and Nebraska Public Service Commission for Additional Delegated Authority to Implement Numbering Resource Optimization Measures,” CC Docket No. 99-200, DA 04-3796 (rel. Nov. 30, 2004). Cox has an interest in the Petition as a provider of local telephone service in Omaha, Nebraska, which is located within the 402 area code. Cox’s comments, therefore, address only the NPSC Petition.

² *Id.*

I. The Petition Demonstrates That Thousands-Block Number Pooling Would Be Beneficial in the 402 Area Code.

The Commission's *Numbering Resource Optimization First Report and Order* established a three-pronged test to determine where thousands-block number pooling would be most beneficial and, therefore, should be implemented.³ Under this test, each petition for pooling authority must demonstrate 1) that an NPA in the state is in jeopardy; 2) that the NPA in question has a remaining life span of at least a year; and 3) that the NPA is one of the largest 100 MSAs, or alternatively, the majority of wireline carriers in the NPA are LNP-capable.⁴ In addition, the Commission recognized that there may be "special circumstances" which warrant pooling authorization for an NPA even where that NPA does not meet all three criteria.⁵

Commission precedent supports grant of the Petition. First, it satisfies two of the three criteria established by the Commission's *First Report and Order*. The Petition demonstrates that the 402 NPA is scheduled to exhaust in the second quarter of 2006 and so has a remaining life span of at least one year and that Omaha, one of the country's 100 largest MSAs has rate centers located within the 402 area code. Additionally, according to the Petition, the majority of wireline carriers in the NPA are LNP-capable.⁶ Although the 402 area code apparently is not in jeopardy at this time, special circumstances warrant grant of the Petition.

NPSC has worked actively to promote the efficient use of numbering resources in the 402 area code, and its actions have resulted in several extensions to the forecasted exhaust date

³ Numbering Resource Optimization, *Report and Order and Further Notice of Proposed Rulemaking*, CC Docket No. 99-200, 15 FCC Rcd 7574 (2000) ("*First Report and Order*").

⁴ *Id.* at ¶ 170.

⁵ *Id.*

⁶ Petition at 6.

for that NPA. However, there has been higher than anticipated demand for NXX codes due to increased competition and emerging technologies. In particular, requests for ten thousand block codes in rural areas have increased. The current utilization rate for the 402 area code is only 36 percent, and despite NPSC's ongoing efforts, large blocks of numbers continue to be stranded. Further, voluntary pooling outside the top 100 MSAs in the state is not working because many carriers choose not to participate. As demonstrated by the Petition, mandatory pooling could extend the exhaust date for the 402 area code from the second quarter of 2006 to the third quarter of 2010.⁷

These special circumstances demonstrate that the 402 NPA would significantly benefit from mandatory thousands-block number pooling. Furthermore, grant of the Petition would be consistent with Commission precedent. The Commission previously has granted numbering conservation requests when states show special circumstances, and the NPSC's showing is at least as compelling as others that the Commission has held sufficient to support a state's request.⁸

II. Thousands-Block Number Pooling is Working and the Commission Should Continue to Authorize States to Implement Mandatory Thousands-Block Pooling for Appropriate NPAs.

⁷ *Id.* at 7.

⁸ *See, e.g.*, Petition of Rep. Keith R. McCall and Members of Northeast Delegation of the Pennsylvania House of Representatives Requesting that Additional Authority be Delegated to the Pennsylvania Public Utility Commission to Implement Additional Number Conservation Measures, *Order*, 17 FCC Rcd 134 (2001) (waiving jeopardy criterion due to the special circumstance of large amount of stranded numbers); Florida Public Service Commission Petition for Expedited Decision for Authority to Implement Thousands-Block Number Pooling in the 941 NPA, *Order*, 16 FCC Rcd 18862 (2001) (waiving jeopardy criterion due to the special circumstance of high population growth); Michigan Public Service Commission Petition for Additional Delegated Authority to Implement Number Conservation Measures, *Order*, 16 FCC Rcd 15852 (2001) (waiving jeopardy criterion in light of special circumstances), North Carolina, *Order*, 16 FCC Rcd 15852 (2001) (waiving jeopardy criterion in light of special circumstances); Arizona, *Order*, 15 FCC Rcd 23371 (2000) (waiving jeopardy).

Thousands-block number pooling has been shown to be an effective means of better optimizing numbering resources and prolonging NPA life spans. As the Petition demonstrates, mandating thousands-block number pooling in the requested areas will extend the life span of the 402 area code by more than four years. Thousands-block number pooling thus will spare carriers and consumers the cost and complication of area code relief measures. As the Commission has recognized, the benefits of extending the life of an NPA through thousands-block number pooling exceed the carrier-specific costs that carriers incur to enable them to receive pooled numbers.⁹

Where petitions for additional delegated authority, like Nebraska's, meet the criteria established by the Commission and/or present special circumstances, the Commission should grant such petitions expeditiously to promote its goal of enabling consumers to receive the benefits of thousands-block number pooling as soon as feasible.¹⁰

III. Nebraska Is Its Own Case and Should be Evaluated Accordingly

It is important for the Commission to evaluate each request for numbering optimization authority individually. As the Petition demonstrates, there can be circumstances when number pooling will have significant benefits in areas where such benefits were not expected. In this case, the unanticipated increase in demand for NXX codes in the non-MSA portion of the 402 area code is shortening the life of the area code, and number pooling will

⁹ *First Report and Order* at ¶ 123.

¹⁰ *Id.* at ¶ 169.

address the problem. Thus, Cox supports the NPSC's request for authority to mandate thousands-block number pooling in the 402 NPA, given the specific circumstances set forth in the Petition.

However, circumstances may differ in other states, and different measures – or none at all – may be justified. Consequently, the Commission should continue to evaluate states' requests for additional number conservation authority on a case-by-case basis.

CONCLUSION

For the foregoing reasons, the Commission should grant the NPSC's Petition and authorize the NPSC to implement mandatory thousands-block number pooling in the 402 area code.

Respectfully submitted,

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